

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

AMENDED CRIMINAL MINUTES - GENERAL

Case No. CR 22-482-GW

Date October 12, 2023

Present: The Honorable GEORGE H. WU, UNITED STATES DISTRICT JUDGEInterpreter NONE

Matthew W. O'Brien; Mark A. Williams; Brian R. Faerstein; Juan M. Rodriguez

Javier Gonzalez

Amy Diaz

Deputy Clerk

Court Reporter/Recorder, Tape No.

Assistant U.S. Attorney

Jerry Nehl Boylan

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Georgina Wakefield; DFPD

Julia Deixler, DFPD

Gabriela Rivera, DFPD

Joshua D. Weiss, DFPD

✓ ✓

PROCEEDINGS: PRETRIAL CONFERENCE

Court hears oral argument as to Motions in Limine. The Court rules as follows:

Government's Motions in Limine:

No. 1 to Exclude Evidence or Argument Relating to Revisions to Coast Guard Regulations after September 2, 2019 [108] is GRANTED in part as stated on the record.

No. 2 to Exclude Evidence or Argument Regarding Conception-Related Civil Lawsuits [109] is GRANTED in part.

Defendant's Motions in Limine:

No. 3 Motion to Exclude Expert Testimony of Captain Sean Tortora [114] is CONTINUED to October 19, 2023. Defendant will provide his three primary concerns for the Court to rule on. The Government will file its response.

No. 4 Motion to Exclude Testimony of Government Expert David Harvey [135] is GRANTED unless the defense "opens the door."

No. 5 to Exclude Evidence That Mr. Boylan Smoked Cigarettes While Employed by Truth Aquatics [140] is GRANTED as to Defendant. However, the Court will allow testimony that smoking was permitted.

No. 6 to Exclude Evidence or Argument Regarding Coast Guard Regulations [139] is DENIED. The parties are to confer re language and provide to the Court.

No. 7 to Preclude Improper Lay Witness Opinions [141] is GRANTED IN PART and DENIED IN PART.

No. 8 to Preclude Reference to Decedents as "Victims" [205] is GRANTED as stated on the record.

Court and counsel discuss pretrial issues. The parties are to file a joint statement of the case, witness and exhibit

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lists, questionnaire form, jury instructions and verdict form by noon on October 18, 2023. Defendant may file his witness and exhibit lists in camera. The Government will disclose information to the Defendant before noon on October 16, 2023. Government and Defendant will exchange exhibit lists by 4:00 p.m. on October 13, 2023.

Defendant will provide expert disclosures to the Government by October 13, 2023.

The following Motions in Limine are argued under seal. The Court rules as follows:

Government's Motion in Limine No. 3 to Confirm Admissibility of Evidence Proving Defendant's Gross Negligence Regarding His Passengers' and Crewmembers' Safety [131] is GRANTED IN PART and DENIED IN PART. Witnesses will be presented outside the presence of the jurors. Court will make ruling as to whether it will allow the witness to testify.

Defendant's Motions in Limine:

No. 1 to Exclude Unreliable Expert Opinion Testimony about the Cause and Origin of the Fire [126] is GRANTED IN PART as to the actual cause of fire to the extent delineated on the record and DENIED IN PART as to the expert report regarding the origin/location of the fire.

No. 2 to Exclude Unsupported, Unnoticed, or Cumulative Expert Opinion Testimony [128] is DENIED without prejudice.

The pretrial conference is continued to October 23, 2023 at 8:00 a.m. Trial remains set for October 24, 2023 at 8:30 a.m.

The Movants' Motion to Intervene [191] and Motion to Compel [192], set for hearing on October 16, 2023, are continued to October 23, 2023 at 8:00 a.m.

2 : 40

Initials of Deputy Clerk JG